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Employer-Employee Relations

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File: 1958-e-1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE ELECTORS

The Attorney General has prepared a title and summary of the chief purposes and points of the proposed measure, as follows:

EMPLOYER-EMPLOYEE RELATIONS. INITIATIVE CONSTITUTIONAL AMENDMENT. Adds Section 1-A to Article I, State Constitution. Prohibits employers and employee organizations from entering into collective bargaining or other agreements which establish membership in a labor organization, or payment of dues or charges of any kind thereto, as a condition of employment or continued employment. Declares unlawful certain practices relating to membership in labor organizations. Provides for injunction and damage suits against any person or group for violation or attempted violation. Preserves existing lawful contracts but applies to renewals or extensions thereof. Declares that section is self-executing. Defines "labor organization."

STATE OF CALIFORNIA, }
COUNTY (or City and County) of _____ } ss.

To the Honorable Secretary of State of the State of California:

We, the undersigned, registered, qualified electors of the State of California, residents of _____ County (or City and County), present to the Secretary of State this petition and hereby propose an amendment to the Constitution of the State of California, by adding Section 1-A to Article I thereto, hereinafter set forth in full, and petition that the same be submitted to the electors of the State of California for their adoption or rejection, at the next succeeding general election or at any special election called by the Governor of the State of California prior to such general election or as provided by law. The proposed constitutional amendment reads as follows:

The People of the State of California do enact as follows:

A new Section 1-A is hereby added to Article I of the Constitution of the State of California to read:

Section 1-A.

(1) All men should be free to elect voluntarily whether to join or not to join a labor organization. The principle of voluntary unionism provides a safeguard against the abuses which result from monopoly control of employment.

(2) It is hereby declared to be the public policy of California that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor organization.

(3) Any agreement or combination between any employer and any labor organization whereby persons not members of such labor organization shall be denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, is hereby declared to be against public policy.

(4) No person shall be required by an employer to become or remain a member of any labor organization as a condition of employment or continuation of employment by such employer.

(5) No person shall be required by an employer to abstain or refrain from membership in any labor organization as a condition of employment or continuation of employment.

(6) No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor organization.

(7) No person, firm, association, corporation or labor organization shall cause or attempt to cause any employer to violate any of the provisions of this Section.

(8) Any person who may be denied employment or be deprived of continuation of his employment in violation of paragraphs (4), (5) or (6) or of one or more of such paragraphs shall be entitled to recover from such employer and from any other person, firm, corporation, association or labor organization acting in concert with such employer, by appropriate action in the courts of this State, such damages as he may have sustained by reason of such denial or deprivation of employment, together with reasonable attorney fees.

(9) Any employer, person, firm, association, corporation or labor organization injured as a result of any violation or threatened violation of any provision of this Section or threatened with any such violation shall be entitled to injunctive relief against any and all violators or persons threatening violation, and also to recover from such violator or violators, or person or persons, any and all damages of any character resulting from such violations or threatened violations. Such remedies shall be independent of and in addition to the remedies prescribed in other provisions of this Section.

(10) The provisions of this Section shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of any existing contract.

(11) Nothing in this Section shall be construed to deny the right of an employee to be represented in collective bargaining by a labor organization.

(12) The provisions of this Section shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

(13) As used herein, "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(14) If any of the provisions hereof, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Section, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.